

County of Loudoun
Department of Planning
MEMORANDUM

DATE: December 6, 2010

TO: Loudoun County Planning Commission

FROM: Stephen Gardner, Project Manager
Julie Pastor, Director

SUBJECT: December 7, 2010 Work Session
Loudoun Parkway Center Parcel N; SPEX 2008-0031

BACKGROUND:

The Planning Commission held a public hearing on this application on December 1, 2010; no members of the public spoke for or against the application. Outstanding issues noted in the Staff Report included the design of the commercial service and retail uses, the phasing ratio of retail to office uses, and stormwater management.

There was no discussion from the Commission related to Stormwater Management as the Applicant agreed to apply the sixty-five (65) percent phosphorous removal rate to paved parking areas, resolving the issue. The Planning Commission noted the design of the site was much improved from earlier iterations of the plan; no specific guidance was provided to the Applicant. Regarding phasing, the Commission recommended the permitting of retail in a proportion that would decrease in relation to each additional office building constructed (i.e. 10% of the retail would be permitted concurrent with the first office building; 7 ½ % of the retail would be permitted concurrent with the second office building; and 5% of the retail would be permitted concurrent with the third office building). To allow for the Conditions of Approval to be revised and clarified, the Planning Commission voted 8-0-1 (Syska absent) to forward the application to the December 7, 2010 Work Session.

STAFF RECOMMENDATION:

Staff cannot recommend approval of this application as it proposes commercial retail and services uses in an area designated as suitable for Keynote Employment with a design that is inconsistent with the Employment Supportive retail policies of the Countywide Retail Policy Plan Amendment. Staff notes, however, the Conditions of Approval have been revised consistent with the recommendations of the Planning Commission. The Conditions have also been revised to provide clarification edits requested by the Applicant. The revised Conditions of Approval are currently being

reviewed by Building and Development, Zoning Administration. The Applicant is in agreement with the Conditions.

SUGGESTED MOTION:

1. I move that the Planning Commission forward SPEX 2008-0031, Loudoun Parkway Center Parcel N, to the Board of Supervisors with a recommendation of approval, subject to the Conditions of Approval dated December 6, 2010 and based on the attached Findings for Approval.

OR,

2. I move that the Planning Commission forward SPEX 2008-0031, Loudoun Parkway Center Parcel N, to the Board of Supervisors with a recommendation of denial, based on the following Findings for Denial:

- 1) _____
- 2) _____
- 3) _____

OR,

3. I move an alternate motion.

ATTACHMENTS:

1. Vicinity Map
2. Findings for Approval
3. SPEX 2008-0031 Conditions of Approval; dated December 6, 2010
4. SPEX 2008-0031 Conditions of Approval; dated December 6, 2010 (Red-Line to November 10, 2010 draft)

VICINITY MAP



Directions:

From Leesburg, take Route 7 east to Loudoun County Parkway. Follow Loudoun County Parkway south to Shellhorn Road. The subject property will be on the right at the southwest quadrant of the Loudoun County Parkway / Shellhorn Road intersection. Access to the site is via Shellhorn Road.

FINDINGS FOR APPROVAL

1. The proposed commercial retail and service uses, encompassing 8.96 percent of the total land area, is consistent with the ten (10) percent anticipated by the land use mix of the Revised General Plan for areas designated as suitable for Keynote Employment uses.
2. The proposed layout provides for integration of the commercial retail and service uses into the overall site design, consistent with the transitional nature envisioned by the Revised General Plan for areas located within the Transit Supportive Area.
3. The Applicant has agreed to phasing commitments that will ensure the site's economic development potential will be maximized with a regional office use.
4. The Applicant has provided a fair share transportation contribution that would mitigate its impact on the regional roadway network and has further agreed to phasing limitations that would limit the commercial retail and service uses until such time as an acceptable Level of Service (LOS) is realized at the intersection of Loudoun County Parkway and Shellhorn Road.
5. The Application is consistent with the Revised 1993 Loudoun County Zoning Ordinance.

SPEX 2008-0031 CONDITIONS OF APPROVAL – December 6, 2010

1. **Substantial Conformance** – This Special Exception to permit development of personal service establishment and restaurant shall be developed in substantial conformance with Sheets 3 and 4 (the “Special Exception Plat”) of the plan set entitled “LOUDOUN PARKWAY CENTER NORTH SA ASSOCIATES NORTH, LLC SPECIAL EXCEPTION PLAN” dated August 18, 2008, revised through October 5, 2010, prepared by Bohler Engineering (the “Plans”), and incorporated herein by reference. Approval of this application for a 6.59 acre portion of Tax Map Number /93/////////5/ (PIN# 089-29-1706) as identified on the Special Exception Plat (the “Property”) shall not relieve the Property from the obligation to comply with and conform to any other Zoning Ordinance, Codified Ordinance, or applicable regulatory requirement.
2. **Regional Roadway Contribution** – The application shall be subject to the payment of a regional roadway contribution not to exceed \$29,000.00. This payment shall be subject to the following:
 - a. In the event the design of the traffic signal at the intersection of Loudoun County Parkway and Shellhorn Road is funded by a party other than the Applicant, a contribution of \$29,000.00 shall be made concurrently with the issuance of the first zoning permit on the Property for either a restaurant and/or personal service establishment use.
 - b. In the event the design of the traffic signal at the intersection of Loudoun County Parkway and Shellhorn Road is funded by the Applicant, the associated design cost shall be applied to the regional roadway contribution of \$29,000.00. Concurrently with the issuance of the first zoning permit on the Property for either a restaurant and/or personal service establishment use, the Applicant shall submit proof of payment for the signal design costs to the Loudoun County Zoning Administrator. In the event these design costs are less than \$29,000.00, the Applicant shall contribute the balance of the regional road contribution to the County of Loudoun concurrently with the issuance of the first zoning permit on the Property for either a restaurant and/or personal service establishment use.
 - c. Any regional road contribution issued to the County of Loudoun pursuant to Condition 2.a. or 2.b. above shall be used at the discretion of the County of Loudoun but shall be limited to one or more of the following: 1) The installation of a traffic signal at the intersection of Loudoun County Parkway and Shellhorn Road; 2) Design of a traffic signal at the aforementioned intersection; and/or 3) Other related traffic improvements associated with Loudoun County Parkway between the Dulles Greenway and Waxpool Road or the aforementioned intersection. These contributions shall be adjusted annually, from the base year of 2011, effective each January 1st thereafter, based on the Consumer Price Index for All Urban Consumers (CPI-U) 1982-

1984=100 (not seasonally adjusted) as reported by the United States Department of Labor, Bureau of Labor Statistics.

3. **Traffic Signal** – No zoning permit for either a restaurant and/or personal service establishment use on the Property shall be issued until such time as a traffic signal at the intersection of Loudoun County Parkway and Shellhorn has been bonded for construction, consistent with the standards of the Virginia Department of Transportation (VDOT). No occupancy permit for a restaurant and/or personal establishment use shall be issued until such time as the afore-mentioned signal is operational.
4. **Left Turn Lane** – The Applicant shall construct a left turn lane on Loudoun County Parkway northbound to Shellhorn Road westbound, consistent with the alignment depicted on Exhibit A. The left turn lane shall be constructed in such a manner to accommodate a future dual left turning movement, consistent with the standards of the Virginia Department of Transportation (VDOT). Acquisition of any off-site right-of-way and/or easements necessary to accommodate the left turn lane shall be the responsibility of the Applicant with no cost to be borne by the County of Loudoun. No zoning permit for either a restaurant and/or personal service establishment use on the Property shall be issued until such time as the left turn lane has been bonded for construction. The left turn lane shall be completed and open to traffic prior to the issuance of an occupancy permit for either the restaurant and/or personal service establishment uses.
5. **Phasing** – The issuance of an occupancy permit for square footage permitted as part of this Special Exception for restaurant and/or personal service establishment (the 'Special Exception Uses') shall be contingent upon the issuance of an occupancy permit for an office use on the 38.82 acres of Tax Map Number /93/////////5/ (PIN# 089-29-1706) based upon the following limitations:
 - a. Special Exception Uses shall be limited to ten-percent (10%) of the gross floor area of office until such time as an occupancy permit for 138,625 square feet of office uses has been issued, at which point;
 - b. Special Exception Uses shall be limited to 7 ½ percent of the gross floor area of office until such time as an occupancy permit has been issued for 268,625 square feet of office uses has been issued, at which point;
 - c. No limitation on phasing of Special Exception Uses shall be imposed.
6. **Shared-Use Trail** - Ten-foot (10') wide asphalt shared use paths shall be constructed along the northern and eastern frontage of the Property along Loudoun County Parkway and Shellhorn Road consistent with that depicted on the Plans. The shared-use path shall be constructed or bonded for construction concurrent with the approval of the first site plan for either the restaurant and/or

personal service establishment uses. All shared-use paths shall be located within a fourteen foot (14') easement.

7. **Outdoor Plazas** – The Applicant shall provide an Outdoor Plaza in the areas identified on the Plans as “Outdoor Seating / Plaza / Common Area.” The Outdoor Plaza shall maintain a combined minimum area of 4,000 square feet.
8. **Drive-Through Restaurants** – No drive-through restaurants shall be permitted within the subject property.
9. **Sidewalks** – Sidewalks internal to the Property shall be provided consistent with that depicted on the Plans.
10. **Exterior Lighting** – Any exterior lighting installed on the Property shall be full cutoff and fully shielded light fixtures as defined by the Illuminating Engineering Society of North America (IESNA). Light shall be directed inward and downward toward the interior of the property, away from nearby properties.
11. **Stormwater Management** - Storm water management facilities on the Property shall be designed to implement best management practice measures that achieve 65% phosphorous removal in the treatment of surface runoff from the paved parking lot areas.
12. **Mechanical Equipment** – All mechanical equipment shall be screened by a fence or wall of similar construction as the principal walls of the structure that the equipment serves.
13. **Bicycle Racks** – A minimum of two (2) bicycle racks shall be provided on the Property. Each bicycle rack shall accommodate a minimum of ten (10) bicycles.
14. **Dumpster / Loading Screening** – Dumpsters, trash enclosure areas, and/or loading areas shall be screened by a minimum six-foot (6') high wall of similar construction as the exterior walls of the structure that the facility serves.
15. **Site Access** – Site access shall conform to the standards as prescribed by the Virginia Department of Transportation (VDOT).
16. **Decorative Pavement** – Areas identified on the Plans as “PROP. DECORATIVE PAVEMENT (TYP.)” shall utilize changes in texture, pattern, material, and color as demarcation from the adjoining vehicle travel ways.
17. **Building Entrance** – The principal entrance of Building “A” Envelope shall maintain a westward orientation away from Loudoun County Parkway.

NOTE: The applicant has agreed to contribute \$.10 per square foot of special exception uses to the servicing Fire and Rescue Company. The contribution shall be divided

equally for fire and rescue services. The amount of the contribution shall be adjusted annually from the base year of 1988 and change effective each January 1st, thereafter, based on the Consumer Price Index for all urban consumers (CPI-U), 1982-1984=100 (not seasonally adjusted) as reported by the United States Department of Labor, Bureau of Labor Statistics.

**SPEX 2008-0031 CONDITIONS OF APPROVAL – ~~November~~ December
~~10~~ 6, 2010**

1. **Substantial Conformance** – This Special Exception to permit development of personal service establishment and restaurant shall be developed in substantial conformance with Sheets 3 and 4 (the “Special Exception Plat”) of the plan set entitled “LOUDOUN PARKWAY CENTER NORTH SA ASSOCIATES NORTH, LLC SPECIAL EXCEPTION PLAN” dated August 18, 2008, revised through October 5, 2010, prepared by Bohler Engineering (the “Plans”), and incorporated herein by reference. Approval of this application for a 6.59 acre portion of Tax Map Number /93/////////5/ (PIN# 089-29-1706) as identified on the Special Exception Plat (the “Property”) shall not relieve the Property from the obligation to comply with and conform to any other Zoning Ordinance, Codified Ordinance, or applicable regulatory requirement.
2. **Regional Roadway Contribution** – The application shall be subject to the payment of a regional roadway contribution not to exceed \$29,000.00. This payment shall be subject to the following:
 - a. In the event the design of the traffic signal at the intersection of Loudoun County Parkway and Shellhorn Road is funded by a party other than the Applicant, a contribution of \$29,000.00 shall be made concurrently with the issuance of the first zoning permit on the Property for either a restaurant and/or personal service establishment use.
 - b. In the event the design of the traffic signal at the intersection of Loudoun County Parkway and Shellhorn Road is funded by the Applicant, the associated design cost shall be applied to the regional roadway contribution of \$29,000.00. Concurrently with the issuance of the first zoning permit on the Property for either a restaurant and/or personal service establishment use, the Applicant shall submit proof of payment for the signal design costs to the Loudoun County Zoning Administrator. In the event these design costs are less than \$29,000.00, the Applicant shall contribute the balance of the regional road contribution to the County of Loudoun concurrently with the issuance of the first zoning permit on the Property for either a restaurant and/or personal service establishment use.
 - c. Any regional road contribution issued to the County of Loudoun pursuant to Condition 2.a. or 2.b. above shall be used at the discretion of the County of Loudoun but shall be limited to one or more of the following: 1) The installation of a traffic signal at the intersection of Loudoun County Parkway and Shellhorn Road; 2) Design of a traffic signal at the aforementioned intersection; and/or 3) Other related traffic improvements associated with Loudoun County Parkway between the Dulles Greenway and Waxpool Road or the aforementioned intersection. These contributions shall be adjusted annually, from the base year of 2011, effective each January 1st thereafter,

based on the Consumer Price Index for All Urban Consumers (CPI-U) 1982-1984=100 (not seasonally adjusted) as reported by the United States Department of Labor, Bureau of Labor Statistics.

3. **Traffic Signal** – No zoning permit for either a restaurant and/or personal service establishment use on the Property shall be issued until such time as a traffic signal at the intersection of Loudoun County Parkway and Shellhorn has been bonded for construction, consistent with the standards of the Virginia Department of Transportation (VDOT). No occupancy permit for a restaurant and/or personal establishment use shall be issued until such time as the afore-mentioned signal is operational.
4. **Left Turn Lane** – The Applicant shall construct a left turn lane on Loudoun County Parkway northbound to Shellhorn Road westbound, consistent with the alignment depicted on Exhibit A. The left turn lane shall be constructed in such a manner to accommodate a future dual left turning movement, consistent with the standards of the Virginia Department of Transportation (VDOT). Acquisition of any off-site right-of-way and/or easements necessary to accommodate the left turn lane shall be the responsibility of the Applicant with no cost to be borne by the County of Loudoun.
~~Construction of the left turn lane shall commence prior to the issuance of the first~~
No zoning permit for either ~~the~~ a restaurant and/or personal service establishment uses on the Property shall be issued until such time as the left turn lane has been bonded for construction. The left turn lane shall be completed and open to traffic prior to the issuance of an occupancy permit for either the restaurant and/or personal service establishment uses.
5. **Phasing** – The issuance of an occupancy permit for square footage permitted as part of this Special Exception for restaurant and/or personal service establishment (the 'Special Exception Uses') shall be contingent upon the issuance of an occupancy permit for an office use on the 38.82 acres of Tax Map Number /93/////////5/ (PIN# 089-29-1706) based upon the following limitations:
 - a. Special Exception Uses shall be limited to ten-percent (10%) of the gross floor area of office until such time as an occupancy permit for 138,625 square feet of office uses has been issued, at which point;
 - b. Special Exception Uses shall be limited to 7 ½ percent of the gross floor area of office until such time as an occupancy permit has been issued for 268,625 square feet of office uses has been issued, at which point;
 - c. No limitation on phasing of Special Exception Uses shall be imposed.

~~limited to five-percent (5%) of the gross floor area of office uses on the Property. No occupancy permit for either a restaurant and/or personal service establishment use on the Property shall be issued until such time as an occupancy permit has been issued for a corresponding office use.~~

6. **Shared-Use Trail** - Ten-foot (10') wide asphalt shared use paths shall be constructed along the northern and eastern frontage of the Property along Loudoun County Parkway and Shellhorn Road consistent with that depicted on the Plans. The shared-use path shall be constructed or bonded for construction concurrent with the approval of the first site plan for either the restaurant and/or personal service establishment uses. All shared-use paths shall be located within a fourteen foot (14') easement.
7. **Outdoor Plazas** – The Applicant shall provide an Outdoor Plaza in the areas identified on the Plans as “Outdoor Seating / Plaza / Common Area.” The Outdoor Plaza shall maintain a combined minimum area of 4,000 square feet.
8. **Drive-Through Restaurants** – No drive-through restaurants shall be permitted within the subject property.
9. **Sidewalks** – Sidewalks internal to the Property shall be provided consistent with that depicted on the Plans.
10. **Exterior Lighting** – Any exterior lighting installed on the Property shall be full cutoff and fully shielded light fixtures as defined by the Illuminating Engineering Society of North America (IESNA). Light shall be directed inward and downward toward the interior of the property, away from nearby properties.
11. **Stormwater Management** - Storm water management facilities on the Property shall be designed to implement best management practice measures that achieve 65% phosphorous removal in the treatment of surface runoff from ~~the building roofs and~~ the paved parking lot areas.
12. **Mechanical Equipment** – All mechanical equipment shall be screened by a fence or wall of similar construction as the principal walls of the structure that the equipment serves.
13. **Bicycle Racks** – A minimum of two (2) bicycle racks shall be provided on the Property. Each bicycle rack shall accommodate a minimum of ten (10) bicycles.
14. **Dumpster / Loading Screening** – Dumpsters, trash enclosure areas, and/or loading areas shall be screened by a minimum six-foot (6') high wall of similar construction as the exterior walls of the structure that the facility serves.
15. **Site Access** – Site access shall conform to the standards as prescribed by the Virginia Department of Transportation (VDOT).
16. **Decorative Pavement** – Areas identified on the Plans as “PROP. DECORATIVE PAVEMENT (TYP.)” shall utilize changes in texture, pattern, material, and color as demarcation from the adjoining vehicle travel ways.

17. Building Entrance –The principal entrance of Building “A” Envelope shall maintain a westward orientation away from Loudoun County Parkway.

NOTE: The applicant has agreed to contribute \$.10 per square foot of ~~development~~ special exception uses to the servicing Fire and Rescue Company. The contribution shall be divided equally for fire and rescue services. The amount of the contribution shall be adjusted annually from the base year of 1988 and change effective each January 1st, thereafter, based on the Consumer Price Index for all urban consumers (CPI-U), 1982-1984=100 (not seasonally adjusted) as reported by the United States Department of Labor, Bureau of Labor Statistics.